

## Official Vote for Governor and Lieutenant-Governor—continued.

Counties.	For Governor.			For Lieut.-Governor.		
	Ireland.	Jones.	Robertson.	Martin.	Morton.	Scattering.
La Salle.....	186	94		242	51	
Lavaca.....	778	817		1105	214	44
Lee.....	369	1114	1	1018	338	105
Leon.....	1241	1003	28	1368	832	
Liberty.....	352	379		555	155	
Limestone.....	1440	1043	3	1507	261	732
Lipscomb.....						
Live Oak.....	245	57		298	1	7
Llano.....	517	474		745	148	
Lubbock.....						
Lynn.....						
Madison.....	589	449	4	708	289	
Marion.....	459	726		463	717	
Martin.....						
Mason.....	392	122		509	16	
Matagorda.....	183	484		211	297	1
Maverick.....	196	216		214	120	
McCluskey.....	213	113		276		49
McLennan.....	1560	966	104	1738	616	
McMullen.....	144	26		179		
Medina.....	312	445		709	37	
Menard.....	192	19		200	13	3
Milam.....	1640	1508	22	2154	927	
Mitchell.....	221	125		235	109	
Montague.....	1579	565		1576		558
Montgomery.....	834	1009		917	931	
Moore.....						
Morris.....	553	466		552	465	
Motley.....						
Nacogdoches.....	1398	332		1417		322
Navarro.....	1781	2755	4	1053	678	3
Newton.....	521	21		532		1
Nolan.....	178	93		234	39	
Nueces.....	754	303		925	173	
Ochiltree.....						
Oldham.....	150	17		169		
Orange.....	247	258		268	233	
Palo Pinto.....	757	270	1	739	6	211
Panola.....	1227	643		1235		633
Parker.....						
Pearson.....	1713	988		1709	1	953
Pecos.....	346	2		347		1
Polk.....	552	249		703	36	
Potter.....						
Presidio.....	643	131		557	2	1
Rains.....	344	221		343		217
Randall.....						
Red River.....	1446	1022		1457	958	
Retugio.....	118	29		145	10	
Roberts.....						
Robertson.....	1451	2724		1763	840	70
Rockwall.....	556	15		555	41	
Russell.....	193	10		205		
Rusk.....	1922	1438	1	1959	1406	
Sabine.....	375	217		391	79	
San Augustine.....	517	295		517		
San Jacinto.....	511	601		354	72	
San Patricio.....	126	17		145		
San Saba.....	437	490		819		1
Scurry.....						
Shackelford.....	232	58	1	227		57
Shelby.....	1104	432		1114		429
Sherman.....						
Smith.....	1746	1965		1770	129	109
Somervell.....	225	196		252		139
Starr.....	4	544		213		26
Stephens.....	587	79		604	2	53
Stonewall.....						
Swisher.....						
Tarrant.....	2858	1472	8	2850	413	878
Taylor.....	357	137		433	52	
Terry.....						
Throckmorton.....	86	13		86	14	1
Titus.....	817	246		814	213	
Tom Green.....	349	254		375		230
Travis.....	2087	2744		2702	2138	
Trinity.....	553	208		575	179	
Tyler.....	427	356		426		
Upshur.....	1165	591		1164		697
Uvalde.....	429	107		430		1
Van Zandt.....	1328	803		1330	774	
Victoria.....	446	739		522	684	
Walker.....	522	1049		621	942	
Waller.....	407	1011		487	929	
Washington.....	1354	3575	7	1660	3293	4
Webb.....	782	251		774	242	
Wharton.....	115	643		124	630	
Wheeler.....	344	37		366		
Whitita.....	86	39		83	29	
Wilbarger.....	104	6		102	6	
Williamson.....	1735	1068		1882		859
Wilson.....	945	284	7	1060	46	81
Wise.....	1713	1149	17	1749		1307
Wood.....	1188	838		1197		825
Yoakum.....						

The vote having been cast up, the Speaker announced that for Governor

John Ireland received ..... 150,809  
G. W. Jones received ..... 102,501  
J. B. Robertson received ..... 334

In compliance with his constitutional duty and under the sanction of the Legislature, the Speaker declared John Ireland duly and constitutionally elected Governor of the State of Texas.

The Speaker further announced that for Lieutenant-Governor

Marion Martin received ..... 171,277  
E. W. Morton received ..... 58,504  
Andrew Young, and scattering ..... 19,220

Whereupon, in compliance with his constitutional duty and under the sanction of the Legislature, the Speaker declared Marion Martin duly and constitutionally elected Lieutenant-Governor of the State of Texas.

On motion of Senator Chessley the joint session adjourned and the Senate retired to its Chamber.

## IN SENATE.

Senator Matlock, chairman of the Committee on Public Lands, Etc., submitted the following report:

COMMITTEE ROOM,  
AUSTIN, January 12, 1883.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Lands to whom was referred the Senate bill No. 24, entitled "An act to authorize the Commissioner of the General Land Office to employ additional clerks, and fixing their salaries, have had the same under consideration, and a majority of the committee instruct me to report the bill favorably and recommend that it do pass.

MATLOCK, Chairman.

Bill read first time.

On motion of Senator Harris, the Senate adjourned until to-morrow morning at 10 o'clock.

## FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 13, 1883.

The Senate met pursuant to adjournment. Lieutenant-Governor Storey in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Terrell, the reading of the journal of yesterday was dispensed with.

On motion of Senator Peacock, Senator King was excused for his absence yesterday evening and to-day, on account of sickness.

On motion of Senator Harris, Senator Perry was excused till Monday morning.

On motion of Senator Stratton, Senator Jones was excused till Monday morning.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1. to whom was referred Senate bill No. 7, have considered the same, and instruct me to report the bill back, with recommendation that it do pass, with the following amendment: "Amend article 247, as contained in the bill, with the addition of the word 'court' at the end thereof."

The Constitution provides for a county attorney in counties "where there is not a resident criminal district attorney." Your committee construe that clause to require the election of county attorneys in every county not having a resident district attorney for a criminal district court.

The bill conforms the law to this construction of the Constitution.

A. W. TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 38, have considered the same, and instruct me to report it back with recommendation that it do pass.

Its purpose is to diminish the jurisdiction of the counties of Camp and Morris, and to conform the jurisdiction of the District Court for those counties then to

TEARILL, Chairman.

Bill read first time.

Senator Gooch, Chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 9, entitled "An act to amend articles 730 and 731 of the Code of Criminal Procedure," and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass, with the following amendments: Add to article 731 the words, first, "And any such comment, if made shall entitle the defendant to a new trial;" and, second, also add "Provided, that the defendant, when he shall testify in his own behalf, shall be required to make his statement before he introduces any witnesses in his own behalf." The leading objects of this bill are to disqualify persons as witness in cases of prosecution for "adultery and fornication," as well as in prosecutions for "seduction," and under the same rules, and, further, to permit defendants in criminal cases to testify in their own behalf. Defendants in the Federal courts, and in many of the States, have this right; and, it is believed, that the adoption of this law will be an additional protection and safeguard to the innocent, especially in cases of circumstantial evidence, and be of no material advantage to the guilty.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 39, entitled "An act to amend articles 314 and 315, Penal Code," and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass.

This bill amends article 311 of the Penal Code, so as to make it an offense to disturb the inhabitants of a private house, or the public by "yelling or shrieking," as well as by cursing, etc. The change is recommended by the Attorney General in his report, and for good reasons stated by him.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, have had under consideration Senate bill No. 6, entitled "An act to repeal section 4, of article 730, Code of Criminal Procedure, title 8, chapter 7," and I am instructed, by a majority of the committee, to recommend that it lie on the table, because bill No. 9, having the same object, has been reported on favorably by this committee.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate Bill No. 4, entitled "An act to amend title 9, chapter 3, of the Penal Code of the State of Texas, by adding thereto another article to be numbered article 317a," and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass. The object of this bill is to make it a criminal offense to provoke a breach of the peace by cursing and abusing, etc., and thereby punish the person who gives an insult and provokes an assault, as well as the person who resents it and makes the assault.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate Bill No. 30, entitled "An act amending article 1000, chapter 1, title

13, Code of Criminal Procedure," and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass.

The object of this bill is to authorize the counsel for the State to take part in inquest proceedings, as well as the counsel for the accused, and others named. They have no such authority under the law as it now exists. The Attorney General recommends the amendment.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate Bill No. 3, entitled "An act amending article 800, chapter 3, title 9, Code Criminal Procedure," and I am instructed by a majority of committee to report favorably thereon and recommend that it do pass.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate Bill No. 41, entitled "An act to provide for the payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys for services rendered in examining courts in felony cases," and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass.

The object of this bill is to provide reasonable compensation for services rendered by officers in examining trial. The maximum allowed to any one officer in any one case is fixed. It is believed to be of public policy to require service of officers, requiring an expenditure by them of both time and money, without compensation. The whole public, who are interested in the faithful execution of the criminal laws, are better able to contribute to that end, than are a few officers who are charged with its execution, to bear the whole expense. It is also true, that officers, like other men, labor more willingly and efficiently, where they are compensated than where they are not.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 34, entitled "An act amending article 240, title 8, chapter 6, Penal Code," and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass.

The object of this bill is to make it an offense for an officer to demand and receive fees *not allowed by law*. It is now an offense to receive *higher fees* than are allowed by law.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 13, entitled "An act to amend article 2231, chapter 2, title 28, of Revised Statutes of Texas," providing for taking the depositions of witnesses, and I am instructed by a majority of the committee to recommend that it be referred to Judiciary Committee No. 1.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 16, entitled "An act to provide for compensation for an attorney when appointed by the court to defend any person charged with crime or misdemeanor," and I am instructed by a majority of the committee to report unfavorably thereon and recommend that it do not pass. Its object is to require the State to pay attorneys appointed by the court for defending persons indicted who are unable to procure counsel. This charitable service has, from time immemorial, been given by attorneys, as officers of court, to insure justice and prevent the punishment of the innocent. This service is generally distributed among the members of the bar, so as not to fall very heavily upon any. We have no means of esti-

inating what appropriation it would require to pay the fees allowed, but it evidently would be very large.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 18, entitled "An act to amend article 1052 of the Code of Criminal Procedure," and I am instructed by a majority of the committee to recommend that it lie on the table, because Senate bill No. 41 incorporates the only amendment in this bill.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 10, entitled "An act to repeal an act to prescribe the requisites of indictments in certain cases," and I am instructed by a majority of the Committee to report favorably thereon, and recommend that it do pass.

Some of the prescribed forms have been declared by the courts to be insufficient, and portions of the bill to be unconstitutional. It tends to mislead prosecutors, and encourages carelessness on their part.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 13, entitled "An act to amend articles 669 and 670 of the Code of Criminal Procedure," and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass.

The law now is, that where two or more defendants are jointly prosecuted, they may sever in the trial upon the request of either; and where one of the defendants makes oath that he verily believes that there is no evidence against his co-defendant, such co-defendant shall be first put upon trial. This bill has for its object the abolition of the requirement of such affidavit and in lieu thereof, to permit the defendants to agree among themselves who shall be first tried, and in the absence of such agreement, to authorize the judge to determine the order of trial. It is believed that the law encourages perjury, and that the same order of trial will be attained by the proposed change, without the affidavit.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate Bill No. 29, entitled "An act to amend articles 503 and 504 of chapter 2, of Penal Code," and I am instructed by a majority of the committee, to report favorably thereon, and recommend that it do pass. This bill increases the penalty for assault with intent to rape or to rob.

POPE, for majority.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate Bill No. 28, entitled "An act to amend article 2863 of the Revised Civil Statutes of the State of Texas," and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass.

GOOCH, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 13, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2 have had under consideration Senate bill No. 21, entitled "An act to amend article 1107 of the Revised Statutes of the State of Texas," and to add thereto articles 1107a, 1107b, 1107c, and 1107d, and to provide for the payment of fees to attached witnesses in cases of felony, and I am instructed by a majority of the committee to report favorably thereon, and recommend that it do pass. The object of this bill is to provide for the payment by the State of fees to attached witnesses who reside out of the county in which the trial is had.

J. Y. GOOCH, Chairman.

Bill read first time.

On motion of Senator Gooch, one hundred copies of Senate bill No. 21, a bill to be entitled "An act to amend article 1107 of the Revised Statutes of the State of Texas, and to add thereto articles 1107a, 1107b, 1107c, and 1107d, and to provide for the payment of fees to attached witnesses in cases of felony," were ordered printed.

Senator Matlock introduced a bill to provide for the sale of all lands set apart for the benefit of the common school fund, to provide for the investment of the proceeds of the same, and to make an appropriation for carrying into effect the provisions of this bill, and to repeal all laws in conflict therewith. Referred to Committee on Public Land Claims.

Senator Traylor introduced the following bills:

"An act to amend article 699, title 8, chapter 5, of the Code of Criminal Procedure of the State of Texas." Referred to Judiciary Committee No. 2.

"An act to amend article 4574, chapter 3, of title 93, of the Revised Civil Statutes of the State of Texas." Referred to the Committee on Stock and Stockraising.

Senator Terrell introduced the following resolution:

*Resolved*, That the use of the Senate Chamber be tendered on the afternoon and night of the twenty-third of January to the citizens of Austin, for a ball to be given by them in honor of the Governor elect.

Adopted.

Senator Farrar introduced the following bills:

An act entitled "An act to amend article 1164 of title 28 of chapter 3 of the Revised Civil Statutes of Texas." Referred to Judiciary Committee No. 1.

An act entitled "An act to amend article 1117 of title 27, chapter 3, of the Revised Civil Statutes of Texas." Referred to Judiciary Committee No. 1.

Senator Stratton introduced the following resolutions:

*Resolved*, That the Committee on State Asylums be requested to examine, and report by bill or otherwise, what action may be necessary to at once replace the wooden buildings now forming a part of the Asylum for the Deaf and Dumb, with substantial brick or stone buildings.

Referred to Committee on Asylums.

*Resolved*, That the Committee on Commerce and Manufactures be requested to inquire, and report by bill or otherwise, what further legislation may be necessary to better encourage manufacturing enterprise in this State, by individuals and corporations.

Referred to Committee on Manufactures.

Senator Gibbs introduced a bill amending article 4000 of Revised Civil Statutes. Referred to Committee on Public Printing.

Senator Gibbs introduced the following resolution:

*Resolved*, That Judiciary Committee No. 1 prepare a bill providing for an equitable pro rata distribution of assets among attaching creditors; that the bill provide for some one court to take charge of and distribute the estate of an attached debtor and with as little cost to the estate as possible. That they report the bill on or before the second Tuesday in February.

Senator Davis moved to refer the resolution to Judiciary Committee No. 1, which was accepted by Senator Gibbs, and was so referred.

Senator Fowler introduced a bill entitled "An act to amend article 735 of the Code of Criminal Procedure, of evidence in criminal actions." Referred to Judiciary Committee No. 2.

Senator Pope introduced a bill: "An act entitled an act to amend article 1063 of chapter 3 of the Code of Criminal Procedure of the State of Texas." Referred to Judiciary Committee No. 2.

Also, a bill entitled "An act to repeal article 1064 of chapter 3 of the Code of Criminal Procedure." Referred to Judiciary Committee No. 2.

Senator Traylor offered the following resolution:

*Resolved*, That 100 copies of the bill offered by the Senator from Montague, regulating the sale of school lands, be printed for the use of the Senate.

Adopted.

Senator Kleberg introduced a bill amending article 317 of chapter 3, title 9, of the Penal Code. Referred to Judiciary Committee No. 2.

Also, "An act to amend article 426 of the Penal Code." Referred to Judiciary Committee No. 2.

Senate bill No. 24, "An act authorizing the Commissioner of the General Land Office to employ additional clerks, and fixing their salaries," was taken up, read second time with committee report, and, on motion of Senator Terrell, was postponed until Wednesday next, and made the special order after the morning call.

Senator Gibbs presented a petition of the Merchants' Exchange of Dallas, asking that another section be added to article 152 of the Revised Civil Statutes, relating to attachments. Referred to Judiciary Committee No. 1.

On motion of Senator Pfeiffer, the Senate took a recess of thirty minutes.

Recess expired.

Senate called to order, Lieutenant-Governor Storey in the chair.

Roll called. Quorum present.

Senator Chesley offered the following resolution:

*Resolved*, That a committee of three be appointed upon the part of the Senate to act with a committee upon the part of the House, to make all necessary arrangements for the inauguration.

Adopted.

On motion of Senator Matlock, Senator Gooch was excused for one week, on account of important business.

Senator Buchanan introduced the following bills:

"An act to amend article 1083 of the Code of Criminal Procedure of the State of Texas." Referred to Judiciary Committee No. 2.

"An act to amend article 1134 of the Revised Statutes of the State of Texas, and to add article 1134a, requiring judges now in office to give official bond." Referred to Judiciary Committee No. 1.

On motion of Senator Kleberg, the Senate adjourned until 10 o'clock Monday morning.

## SIXTH DAY.

SENATE CHAMBER,  
AUSTIN, January 15, 1883. }

The Senate met pursuant to adjournment. Lieutenant-Governor Storey in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Johnston of Shelby, the reading of the journal of Saturday was dispensed with.

On motion of Senator Johnston of Shelby, Senators Chesley and Stratton were added to the Committee on Constitutional Amendments, and Senator Chesley to the Committee on Education.

On motion of Senator Johnston of Shelby, Senator Pope was excused until Wednesday next, in consequence of necessary absence at home.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, January 15, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 36, entitled "An act to amend article 2863, chapter 4, of title 50, of the Revised Civil Statutes," have considered the same, and a majority of the committee instruct me to report the bill back, and recommend that it do not pass.

The object of the bill is to so amend the law as to permit either the husband or wife to testify in divorce suits, as other witnesses.

The laws of divorce should be regarded as of the utmost importance, affecting the dearest interests of society. In England a divorce from the marriage bond has only been granted since the days of Elizabeth, by special act of Parliament. In South Carolina no divorce was ever granted for any cause, from its first settlement until 1867, and it is believed the laws of that State still prohibit divorces. In New York, up to 1871, no absolute divorce from the marriage bond was ever permitted, except for one act, of which the wife above all others would have least personal knowledge, and it is believed the same law still prevails.

For more than twenty-five years the laws of Texas have not permitted either the husband or wife to testify to communications made by the one to the other while married, or to reveal the secrets obtained during the marriage union, in a criminal prosecution against either, even after a divorce, unless such revelation would tend to the defense of the one charged with crime.

They are permitted, when prosecuted for crime, to testify for each other, never against each other, except when charged with crime committed the one against the other.

We do not believe that modern innovations on the law of divorce in many of the States tend to the improvement of the marriage relation, its permanence, or the good of society. Of the three characters of government to which man is subject, viz: the State, the church and the family relation, the last is the one on the permanence of which the security and prosperity of the other two must depend. In proportion as the conjugal tie is weakened, in the same proportion must society suffer in all its other relations, and we believe that any law, which permits the husband and wife to sever, in a moment of passion or prejudice, the marriage relation, by his or her oath, will be fraught with pernicious results. Its natural effect would be to destroy that unlimited confidence without which there is no happiness in married life. What man would make his wife the custodian of all his secrets, if the rules of evidence can unseal her lips? For if the husband or wife may testify, the one against the other, to destroy so holy a relation as that of marriage, there would remain no reason why their evidence should not be taken against each other when the rights of others are involved.

The tendency to contract marriage too hastily would be increased by such legislation. A yoke, the duration of which depended on the unaided testimony of the one who bears it, would be lightly worn when it could so easily be shaken off, and instead of people marrying with that deliberation and judgment which a partnership for life should inspire, the romantic unions of the period would increase.

It may be said that personal violence, inflicted by the husband on the wife, often occurs when there is no witness present. In such a case the courts are always ready to punish, and the wife is a competent witness. The very interests of society, which should restrain her from dissolving, by her own testimony, the marriage contract, and thus making it a rope of sand, requires that her person shall be protected from unlawful violence by her husband, even by making her a witness. But here it is believed the permission for her to testify should stop. The penal laws are usually adequate to her protection, and not only society, but the children of the marriage have an interest in not having the marriage union destroyed by the testimony of the parents on the occurrence of every family broil.

TERRELL, Chairman.

The following minority report from the said committee and on the same bill was submitted:

COMMITTEE ROOM,  
AUSTIN, January 15, 1883.

To Hon. L. J. Storey, President of the Senate.

The undersigned members of your Judiciary Committee No. 1, respectfully dissent from the views of the majority of the committee in reporting adversely upon Senate bill No. 36, entitled "An act to amend article 2863 of the Revised Statutes," and recommend that the bill as amended do pass.

DAVIS,  
STRATTON,  
SHANNON.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 15, 1883.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred a memorial of the Merchants Exchange, of the city of Dallas, asking that article 152, Revised Statutes be so amended as to authorize the issuance of an attachment to seize the property of a citizen, after oath made by the creditor "that the defendant is justly indebted to the plaintiff, and the amount of the demand, that the same is past due and that the defendant, after having been served with demand to pay, has failed to do so," have considered the same and instruct me to report that they cannot recommend any such change in the law. The attachment of property for the collection of debt, though sometimes necessary, is a harsh remedy, and is always strictly con-